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PETITION

RESPOND

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6. Janpad Panchayat Wadrafnagar
Through the President Janpad
Panchayat Wadrafnagar, District
Sarguja(CG)
7. Smt. Hasranga w/o Ramdhari
Karamdiha-K Harizan Para
Karamdiha, Janpad Panchayat,
Wadrafnagar, District Sarguja(CG)



HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No. 5358 of 2006

PETITIONER

Smt. Meena Patel, w/o Shri Lalchand Patel, Aged about 29 years, Sah Sahayika, Karmdiha, Harisan Para, Karamdiha, Tahsil Wadrafnagar, Distt. Sarguja (C.G.).

Versus

RESPONDENTS

- 1 State of Chhattisgarh, Through : Secretary, Department of Women & Child Development, D.K.S. Bhawan, Raipur (C.G.).
- 2 The Commissioner, Women & Child Development, Raipur (C.G.).
3. The Collector, Sarguja, Ambikapur (C.G.).
4. The Programme/ Project Officer Women & Child Development (Project) Wadrafnagar, Distt. Sarguja (C.G.)
5. Chief Executive Officer/ Janpad Panchayat Wadrafnagar, Distt. Sarguja (C.G.).

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri D.N. Prajapati, counsel for the petitioner.

Shri Ajay Dwivedi, Panel Lawyer for the State/respondents No.1 to 4 on advance copy.

None for respondents no.5, 6 & 7.

ORAL ORDER
(10.12.2007)

SUNIL KUMAR SINHA, J

Heard.

Learned counsel for the petitioner submits that the petitioner was better candidate than respondent no.7 for appointment to the post of Anganbadi worker, but respondent no.7 was given the appointment, which is not in accordance with law. He has taken many grounds in this regard. He very specifically submits that as per the policy dated 10.4.2006, a candidate who is



working as Sah Sahayika will be given preference for the appointment against the post of Aangan Badi Worker after completing all the requisite formalities. He relies on document Annexure P-3.

Return has been filed on behalf of the State/respondents no.1 to 4. Learned State Counsel argues that a perusal of Annexure R-1 filed alongwith the return would show that the petitioner has already filed an appeal before the appellate authority and the appeal has not been disposed of so far. His submission is that without waiting for the decision of the appeal and without mentioning this fact in the petition, the petitioner has filed this petition which may be disposed of in light of the pendency of the statutory appeal.

I have considered the point raised by learned counsel for the parties. It has been stated on affidavit that the petitioner has already preferred the statutory appeal before the Collector and a copy of the appeal has been filed as Annexure R-1. The statement is made by the State Counsel that appeal has not been decided so far.

In view of the fact that the appeal has already been filed by the petitioner and the same is pending before the Statutory Authority, I am not inclined to pass any direction/order in this petition during the pendency of the statutory appeal.

This petition is disposed of at this stage with a direction to the concerned respondent to dispose of the appeal filed by the petitioner within a period of 90 days from the date of receipt/production of certified copy of this order.

Sd/-
Sunil Kumar Sinha
Judge

/Rao/